

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

AVRAHAM EISENBERG

Defendant.

Case No. 23 Cr. 10 (AS)

ORDER

WHEREAS the Court and the parties seek to ensure that Avraham Eisenberg, United States Marshal's Number 37570-510 ("Eisenberg") has meaningful access to review discovery and other case materials while detained by the Federal Bureau of Prisons ("BOP") at the Metropolitan Detention Center, Brooklyn ("MDC"); and

WHEREAS the Court seeks to ensure that such discovery access does not jeopardize the security and operational interests of the MDC;

IT IS HEREBY ORDERED that

1. Eisenberg may have access to an "air-gapped" laptop computer (the "Laptop") that is disabled from accessing the internet, local area networks, or other electronic devices;
2. Upon receipt of an acceptable laptop computer from counsel for Eisenberg, the Government shall, with reasonable speed: (a) ensure that the laptop is appropriately "air gapped" and compatible with the MDC's security requirements; (b) load the laptop with the non-sensitive discovery in this case; and (c) deliver the laptop to the proper authorities at the MDC;
3. The Laptop shall be password-protected and maintained in a location acceptable to BOP personnel;
4. BOP personnel will provide Eisenberg with access to the Laptop Monday through Friday in the visiting room of the MDC for 25 hours per week;

5. This Order remains in effect until the trial in this matter is completed and a copy of this Order shall be made available by BOP to the Unit Team/Floor where Eisenberg is housed;
6. Eisenberg, shall execute an agreement setting forth his understanding that he may use the Laptop for the sole purpose of reviewing discovery and legal materials that relate to his criminal case; that he shall not share the Laptop or the materials loaded onto the Laptop with other inmates or with any attorney not representing him this case without an order of this Court; that he will not use the Laptop to access or attempt to access the internet or any form of wireless communication; and that he may forfeit his right under this Order to use the Laptop and may expose himself to criminal prosecution for possessing or distributing a “prohibited object,” as that term is defined in 18 U.S.C. § 1791(d), should he violate any of the obligations stated in this paragraph.
7. Within forty-eight hours of MDC’s receipt of the Laptop from the Government, Eisenberg shall receive access to the Laptop subject to the following conditions:
 - a. Eisenberg will be brought to the visiting room upon his request to the unit officer Monday through Friday (with an effort to provide Eisenberg access on a business-day basis);
 - b. Eisenberg shall not have possession of any charging apparatus or cord that connects to the laptop.

Dated: New York, New York
December 20, 2023

SO ORDERED



Honorable Arun Subramanian
United States District Court
Southern District of New York